

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CRIMINAL CASE NO. 3:07cr38**

<b>UNITED STATES OF AMERICA,</b>	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
<b>DWIGHT WAYNE COVINGTON,</b>	)
	)
<b>Defendant,</b>	)
	)
<b>and</b>	)
	)
<b>FURMAN UNIVERSITY,</b>	)
	)
<b>Garnishee.</b>	)
_____	)

**ORDER OF GARNISHMENT**

**THIS MATTER** is before the Court on the Answer of the Garnishee, Furman University. [Doc. 24].

On April 10, 2007, the Defendant Dwight Wayne Covington entered a plea of guilty to one count of making false statements in a health care matter, in violation of 18 U.S.C. §1035, and one count of making false statements on an income tax return, in violation of 26 U.S.C. §7206(1). On May 5, 2008, the Court entered a Judgment, sentencing the Defendant to 12 months plus one

day incarceration. [Doc. 12]. As part of that Judgment, the Defendant was ordered to pay an assessment of \$200.00 and restitution of \$143,440.54 to the victims of his crimes. [Id.]. Subsequently, the Judgment was amended to reflect the Defendant's proper reporting date. [Doc. 14].

The Government now seeks to garnish the Defendant's earnings from the Garnishee. [Doc. 19]. The Answer of the Garnishee provides that Garnishee anticipates additional earnings in the form of net wages (gross pay minus total tax withholdings) in the amount of \$4,838.78 monthly. [Doc. 24].

The United States requests that 25% of the Defendant's earnings, which remain after all deductions required by law have been withheld, and 100% of all 1099 payments be applied to the United States' garnishment, and that the Government's garnishment take immediate effect. See 28 U.S.C. §3205(c)(10).

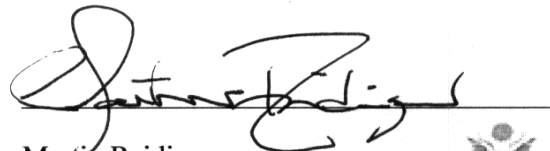
As a result, the Garnishee must pay over to the federal government any property in which the Defendant has a nonexempt interest. United States v. Weddell, 12 F.Supp.2d 999, 1000 (D.S.D. 1998), aff'd, 187 F.3d 634 (table), 1999 WL 319323 (8th Cir. 1999).

**IT IS THEREFORE ORDERED** that an Order of Garnishment is hereby **ENTERED** in the amount of \$143,640.54 computed through August 25, 2008,

which attaches to any earnings of the Defendant and up to 25% shall be garnished in favor of the United States until the Defendant's restitution debt is paid in full.

**IT IS SO ORDERED.**

Signed: December 1, 2008

  
Martin Reidinger  
United States District Judge

